

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DeWAYNE DERKSEN,

Plaintiff,

v.

**MEMORANDUM OF LAW
AND ORDER
Civil No. 04-3411 (MJD/SRN)**

**CNA GROUP LIFE ASSURANCE
COMPANY, and its Successors,**

Defendants.

David W. Larson, Martin & Squires, Counsel for Plaintiff.

Doreen A. Mohs, Rider Bennett, LLP, Counsel for Defendants.

The Parties have been ordered to brief the issue of the proper amount of benefits due to Plaintiff under his CNA insurance plan. The briefing schedule is hereby amended in the following ways:

1. On or before **December 30, 2005**, Plaintiff shall file a submission addressing the calculation of benefits due under the Plan. In this submission, Plaintiff may also move for attorney's fees and costs pursuant to 29 U.S.C. § 1132(g). Plaintiff's brief shall not exceed

fifteen (15) pages; and

2. On or before **January 30, 2006**, Defendant shall file a response addressing the issues raised in Plaintiff's submission. Defendant's brief shall not exceed fifteen (15) pages.

Dated: November 8, 2005

s / Michael J. Davis
Michael J. Davis
UNITED STATES DISTRICT COURT